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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,200	09/30/2003	Ming-Jiun Liaw	LIAW3003/EM	9607
2292	7590	08/20/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SHAPIRO, LEONID	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			08/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/673,200	LIAW, MING-JIUN
	Examiner	Art Unit
	Leonid Shapiro	2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 June 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11,14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiyama et al. (US 7,084,850 B2).

As to claim 1, Hiyama et al. teaches an image detection apparatus for determining an effective number of gray levels of a display while showing motion images (col. 1, lines 6-10), comprising:

an image generation means for generating a still image and a moving image, the moving image being a duplication of the still image with adjustable motion vectors, and for providing an interested display to show the still image and the moving image at the same time (fig. 11, items 62A-62B, col. 10, lines 37-62);

wherein the still image can present the gray level capability of the display while showing still images (col. 7, lines 57-61);

an examination means for using the moving image to determine the effective number of gray levels of the display while showing motion images from the above-mentioned moving images (Col. 7, Lines 23-31).

As to claims 2,8 Hiyama et al. teaches gray levels of the still image are adjustable (col. 7, lines 57-61).

As to claims 3,9 Hiyama et al. teaches the motion image is the duplication of the said still image but with adjustable moving speed and direction. (fig. 8, item 522, col.9, lines 35-57).

As to claims 4,10,14-15 Hiyama et al. teaches the moving speed and direction of the moving image can be either automatically adjusted or by manually operated (in reference the image control unit) (fig. 1, items 10,60, Col. 6, lines 55-61).

As to claims 5,7 Hiyama et al. teaches the examined means are real human eyes (col. 3, lines 10-38 and col. 7, lines 31-40).

As to claim 6, Hiyama et al. teaches an effective number of gray levels detection apparatus is to determine the effective number of gray levels of a display while showing motion images (col. 1, lines 6-10), which detection apparatus comprising:

a visual simulator for simulating visual detection and recognition (fig.1, items 10-11, col. 6, lines 62-67);

an image generation means for generating a still image and its duplication but with adjustable motion vectors, and then for providing an interested display to show the above-mentioned two images at the same time (fig. 11, items 62A-62B, col. 10, lines 37-62);

wherein the still image can present the gray level capability

of the display while showing still images (col. 7, lines 57-61);

an examination means for determine the effective number of gray levels of the display while showing motion images from the above-mentioned motion image (Col. 7, Lines 23-31).

As to claim 11, Hiyama et al. teaches an effective number of gray levels detection method is to determine the effective number of gray levels of a display while showing motion images (col. 1, lines 6-10), which detection apparatus comprising:

generating a still image and its duplication but with adjustable moving speed and direction, the duplication is referred as a motion image hereinafter, by an image generating means first and then showing images on the screen (fig. 11, items 62A-62B, col. 10, lines 37-62);

adjusting the moving speed and directions of the moving image (fig. 8, item 522, col.9, lines 35-57);

determining the discrimination of adjacent gray levels of the moving image(Col. 7, Lines 23-31).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al. in view of Kawahara et al. (US 2001/0028347 A1).

Hiyama et al. does not disclose the number of gray levels of a display while showing moving images is not lost if edge of adjacent gray levels of the moving image can be discriminated.

Kawahara et al. teaches the number of gray levels of a display while showing moving images is not lost if edge of adjacent gray levels of the moving image can be discriminated (figs. 36-37, paragraphs 0009-0010).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate teachings of Kawahara et al. into Hiyama et al. system in order to reduce occurrences of moving image false edges (paragraph 0015 in the Kawahara et al. reference).

#### ***Response to Arguments***

5. Applicant's arguments filed 06/04/07 have been fully considered but they are not persuasive:

On page 9, 2<sup>nd</sup> full paragraph of Remark, Applicants stated that it is noted, however, that in column 10, lines 37-62 of Hiyama, the moving picture data is not a duplication of the still picture data, as is set forth in the present invention. The still picture data and the moving picture data are irrelevant in Hiyama. Accordingly, the relationship between the still picture data and the moving picture data of Hiyama is

different from the relationship between the still image and the moving image in the present application. However, Hiyama clearly teaches that the moving picture (item 530, ...reduced resolution or smaller number of gradation...) data is a duplication of the still (original) picture (item 500) data (fig. 2, items 500,530, col. 7, lines 18-39).

On page 10, 1<sup>st</sup> paragraph of Remark, Applicants stated that Hiyama fails to teach examination means for determining the effective number of gray levels of the display, as is set forth in independent claims 1, 6 and 11 of the present application. However, Hiyama clearly teaches determining the effective number of gray levels of the display (items 61E, 530, ...reduced resolution or *smaller number of gradation...*)(fig. 2, items 61E,530, col. 7, lines 18-60).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Telephone Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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08.10.07



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